

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
Keiichi TAKAGAKI et al. : **Attn: APPLICATION BRANCH**  
Serial No. NEW : Attorney Docket No. 2003\_1574A  
Filed October 30, 2003 :

COMMUNICATION DEVICE,  
COMMUNICATION SYSTEM, AND  
ALGORITHM SELECTION METHOD

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**COVER LETTER FOR APPLICATION FILED**  
**WITHOUT EXECUTED DECLARATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-identified application has been submitted without an executed oath or declaration.

It is respectfully requested that this application be assigned a serial number and awarded a filing date pursuant to 37 CFR 1.53(b).

A duly executed oath or declaration pursuant to 37 CFR 1.63 will be submitted after notification by the U.S. Patent and Trademark Office pursuant to 37 CFR 1.53(f).

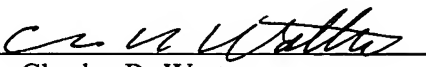
A non-executed copy of the Declaration and Power of Attorney, containing the inventorship information, is attached. It is respectfully requested that all communications be directed to the firm indicated on the attached Declaration and Power of Attorney, namely:

WENDEROTH, LIND & PONACK, L.L.P.  
2033 K Street, N.W., Suite 800  
Washington, D.C. 20006-1021

The required U.S. Patent and Trademark Office Filing Fee is submitted herewith.

Respectfully submitted,

Keiichi TAKAGAKI et al.

By   
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October 30, 2003

## DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATION

(X) Original    () Supplemental    () Substitute    () PCT    () DESIGN

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Title: COMMUNICATION DEVICE, COMMUNICATION SYSTEM, AND ALGORITHM SELECTION METHOD

of which is described and claimed in:

() the attached specification, or

(X) the specification in application Serial No. \_\_\_\_\_, filed October 30, 2003, and with amendments through \_\_\_\_\_, or

() the specification in International Application No. \_\_\_\_\_, filed \_\_\_\_\_, and as amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the content of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge my duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code, §119 (and §172 if this application is for a Design) of any application(s) for patent or inventor's certificate listed below and have also identified below any application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| COUNTRY | APPLICATION NO. | DATE OF FILING   | PRIORITY CLAIMED |
|---------|-----------------|------------------|------------------|
| Japan   | 2002-318189     | October 31, 2002 | YES              |
| Japan   | 2003-023797     | January 31, 2003 | YES              |
|         |                 |                  |                  |

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| APPLICATION SERIAL NO. | U.S. FILING DATE | STATUS: PATENTED, PENDING, ABANDONED |
|------------------------|------------------|--------------------------------------|
|                        |                  |                                      |
|                        |                  |                                      |

And I hereby appoint Michael R. Davis, Reg. No. 25,134; Matthew M. Jacob, Reg. No. 25,154; Warren M. Cheek, Jr., Reg. No. 33,367; Nils Pedersen, Reg. No. 33,145; Charles R. Watts, Reg. No. 33,142; Michael S. Huppert, Reg. No. 40,268; and Jeffrey R. Filipek, Reg. No. 41,471, who together constitute the firm of WENDEROTH, LIND & PONACK, L.L.P., as well as any other attorneys and agents associated with Customer No. 000513, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

I hereby authorize the U.S. attorneys and agents named herein to accept and follow instructions from OGASAWARA PATENT OFFICE as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and myself. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys named herein will be so notified by me.

|  |  |  |  |
|--|--|--|--|
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|--|--|--|--|

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I further declare that all statements made herein of my own knowledge are true, and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1st Inventor \_\_\_\_\_ Date \_\_\_\_\_  
                   Keiichi TAKAGAKI  
 2nd Inventor \_\_\_\_\_ Date \_\_\_\_\_  
                   Hiroshi YOKOTA  
 3rd Inventor \_\_\_\_\_ Date \_\_\_\_\_  
                   Yukie GOTOH  
 4th Inventor \_\_\_\_\_ Date \_\_\_\_\_  
                   Atsuhiko TSUJI  
 5th Inventor \_\_\_\_\_ Date \_\_\_\_\_  
                   Masaaki TAMAI  
 6th Inventor \_\_\_\_\_ Date \_\_\_\_\_

The above application may be more particularly identified as follows:

U.S. Application Serial No. \_\_\_\_\_ Filing Date October 30, 2003

Applicant Reference Number FP-1373 Atty Docket No. 2003 1574A

Title of Invention COMMUNICATION DEVICE, COMMUNICATION SYSTEM, AND ALGORITHM SELECTION METHOD